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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 999

THE GENERAL TIRE & RUBBER COMPANY,
A Body Corporate, *Petitioner*,

v.

THE HONORABLE R. DORSEY WATKINS, United States District Judge for the District of Maryland,
Respondent.

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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The Firestone Tire & Rubber Company and McCreary Tire & Rubber Company respectfully move for leave to file a brief *amicus curiae* in opposition to the petition for writ of certiorari in this case.

This is the *second* mandamus proceeding arising out of Civil Action 12,932, *The Firestone Tire & Rubber Company and McCreary Tire & Rubber Company* v. *The General Tire & Rubber Company*, pending in the

United States District Court for the District of Maryland.

Trial of Civil Action 12,932 began on April 15, 1964 consonant with the denial by the Chief Justice on April 9, 1964 of two eleventh hour petitions for stay of proceedings.[1]

Petitioner filed a petition for writ of certiorari, No. 878, incident its first mandamus proceeding. In *this* proceeding, as in No. 878, amicus curiae (a) were interveners before the appellate court, and (b) are the real adversary parties in interest.

As in No. 878, the respondent judge (a) is but a nominal adverse party, (b) will file no brief in opposition to the petition, and (c) will rely upon the record and decisions below.

As in No. 878, petitioner has flatly *refused* to consent to the filing of the proposed brief *amicus*—but the respondent judge has consented.

On April 20, 1964 this Court granted the motion for leave to file a brief *amicus* in No. 878 and denied the petition.

This motion should be granted for the same reasons that the similar motion was granted in No. 878.

Petitioner has failed in its efforts to *postpone* the trial of Civil Action 12,932. Petitioner *now* seeks to

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[1] The first stay petition filed on April 1, 1964 sought a delay of the trial of Civil Action 12,932 pending disposition of No. 878 by this Court. The second stay petition sought a delay of the trial pending disposition of the present petition No. 999.

frustrate the trial proceedings for its private ends—*not* to present a question of substance to this Court.

Respectfully submitted,

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